

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT NELSON,

Petitioner,

- v -

**9:19-CV-0870
(TJM/DJS)**

**EARL BELL, Superintendent,
Clinton Correctional Facility,**

Respondent.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION and ORDER

This petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 was referred to the Hon. Daniel J. Stewart, United States Magistrate Judge, for a Report-Recommendation pursuant to 28 U.S.C. § 636(b) and N.D.N.Y.72.3(c).

No objections to the Report-Recommendation and Order dated September 21, 2020 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

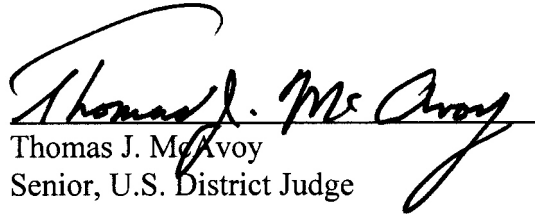
Accordingly, the Court **ACCEPTS** and **ADOPTS** the Report-Recommendation and Order (Dkt. No. 19) for the reasons stated therein. It is therefore

ORDERED that Petitioner's writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**, and it is further

ORDERED that no Certificate of Appealability (“COA”) shall issue because Petitioner has failed to make “a substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated: August 30, 2021


Thomas J. McAvoy
Senior, U.S. District Judge